

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
(SPARTANBURG DIVISION)**

GETTYS BRYANT MILLWOOD, et al.,

Plaintiffs,

v.

STATE FARM LIFE INSURANCE COMPANY,

Defendant/Respondent.

No. 7:19-cv-01445-DCC

**FOURTH AMENDED CONFERENCE
AND SCHEDULING ORDER**

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this District, the Court hereby establishes the following schedule for this case. This Scheduling Order is entered to administer the trial of this case in a manner consistent with the Federal Rules of Civil Procedure's goal of securing "the just, speedy, and inexpensive determination of every action and proceeding." Fed. R. Civ. P. 1.

1. Expert Disclosures:

- A. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel has been disclosed to the other parties by **August 17, 2021**.
- B. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel has been disclosed to the other parties by **September 28, 2021**.
- C. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as a rebuttal expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel has been disclosed to the other parties by **November 5, 2021**. In the event that Plaintiffs' rebuttal expert report(s) exceeds the permissible scope of rebuttal testimony, State Farm reserves its right to seek leave to file a sur-rebuttal expert report (and to modify the class certification briefing deadlines accordingly) and/or to move to strike the improper rebuttal testimony.

2. Records Custodians: Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **[To Be Decided At Status]**

Conference Following A Ruling On Class Certification]. Objections to such affidavits must be made within 14 days after the service of the disclosures. *See* Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3) (D.S.C.).

3. Fact Discovery: Fact discovery shall be completed no later than **July 30, 2021**. The deadline to serve discovery requests was **March 22, 2021**. The parties may serve additional interrogatories (not to exceed the total number allowed by the Federal Rules of Civil Procedure) and up to five (5) additional requests for admission by **July 1, 2021**. De bene esse depositions must be completed by the July 30, 2021 discovery deadline. **No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02 (D.S.C.), and have had a telephone conference with Judge Coggins in an attempt to resolve the matter informally. The request for a telephone conference should be made within the time limit prescribed by local rule for filing such a motion. Attorneys should send a request for a telephone conference via e-mail to coggins_ecf@scd.uscourts.gov. The parties shall set forth their respective positions in their request**
4. Expert Discovery: All expert discovery, including expert depositions, shall be completed by **November 12, 2021**. Plaintiffs shall present their opening expert(s) for deposition by **September 21, 2021**. Defendants shall present their expert(s) for deposition by **October 22, 2021**. Plaintiffs shall present their rebuttal expert(s) for deposition by **November 12, 2021**.
5. Class Certification: Plaintiffs' Motion for Class Certification shall be filed on or before **November 12, 2021**. Defendant's Opposition to Class Certification shall be filed on or before **December 22, 2021**. Plaintiff's Class Certification Reply Brief shall be filed on or before **January 18, 2022**.
6. Motions: All dispositive motions, *Daubert* motions, and all other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed. R. Civ. P. 12, and the class certification motion addressed in Paragraph 10 above, shall be filed on or before **March 1, 2022**. Local rules of practice will apply to opposition and reply briefs unless a party requests, and the Court orders, otherwise. Pursuant to Paragraph 9 of this Order, any motions *in limine* shall be filed on or before **[To Be Decided At Status Conference Following A Ruling On Class Certification]**.
7. Mediation: Mediation shall be completed in this case on or before **[To Be Decided At Status Conference Following A Ruling On Class Certification]**. *See* Judge Coggins' Standing Mediation Order (setting forth mediation requirements).
8. Pretrial Disclosures: No later than **[To Be Decided At Status Conference Following A Ruling On Class Certification]** the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within **[To Be Decided At Status Conference Following A Ruling On Class Certification]** thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party, and any deposition counter-designations under Fed. R. Civ. P. 32(a)(6).

9. Motions in Limine: Motions in limine must be filed no later than [**To Be Decided At Status Conference Following A Ruling On Class Certification**]. Written responses are due 7 days after the motion is filed.
10. Pretrial Briefs and Exhibits: Parties shall furnish the Court pretrial briefs 7 days prior to the date set for jury selection. The pretrial brief information found in Local Civil Rule 26.05(A)–(M) (D.S.C.) shall be submitted only to the Judge’s chambers. However, pretrial brief information contained in Local Civil Rule 26.05(N)–(O) (D.S.C.) shall be served on opposing parties. Local Civil Rule 26.05 (D.S.C.). Attorneys shall meet at least 7 days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. *See* Local Civil Rule 26.07 (D.S.C.).
11. Jury Selection and Trial: This case is subject to being called for jury selection and/or trial on or after [**To Be Decided At Status Conference Following A Ruling On Class Certification**].

The parties’ attention is specifically directed to Local Civil Rule 5.03 (D.S.C.) regarding the filing of confidential material. The parties’ attention is also directed to the Court’s website regarding instructions or other orders that may be applicable to your case.

Dated: June 7, 2021
Spartanburg, South Carolina

s/Donald C. Coggins, Jr.
United States District Judge Donald C. Coggins, Jr.